



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Utility Patent Application of Art Unit: 3721

Dwayne Saxon

Application

No.: 10/690,209

Examiner: Gloria R. Weeks

Filed: October 21, 2003

Title of

Invention: ELECTRICAL GROUNDING ROD DRIVER

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
MAIL STOP RESPONSE/NO FEE

Dear Sir/Madam:

In reference to the above-captioned Non-provisional Application, Applicant submits herewith in response to the Office Action dated June 27, 2005 the following:

1. Response to Official Action;
2. Information Disclosure Statement;
3. Request for Three (3) Month Extension to File Response to Office Action;  
and
4. Replacement Drawings (4 sheets).

Please charge any fees associated with this Response to Deposit Account No. 50-22894. This sheet is attached in duplicate for accounting purposes.

Respectfully submitted,

By: \_\_\_\_\_

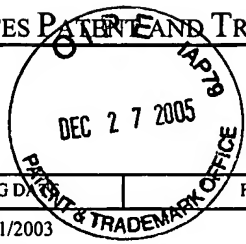
Scott J. Fields, Esquire  
Attorney for Applicant  
Dwayne Saxon

Dated: 12/22/2005



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,209	10/21/2003	Dwayne Saxon	10631-1	2331

7590 06/27/2005

National IP Rights Center, LLC  
Suite 400  
550 Township Line Road  
Blue Bell, PA 19422

EXAMINER

WEEKS, GLORIA R

ART UNIT PAPER NUMBER

3721

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No.

10/690,209

Applicant(s)

SAXON, DWAYNE

Examiner

Gloria R. Weeks

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

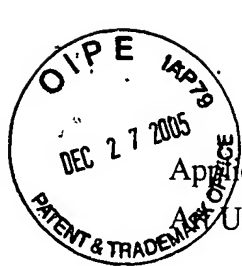
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



### *Drawings*

1. The drawings are objected to because figure 1 and 4 are too dark. There appears to be notations in each drawing that are unexaminable due to darkness of photograph. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Schera, Jr. (USPN 3,786,847).

Art Unit: 3721

With respect to claims 1-2, Schera, Jr discloses a novel grounding rod driver comprising: a steel (column 1 lines 48-49), conically shaped member (2) having a distal opening (3) at its narrow end and axially extending channel through its center so as to facilitate attachment to the striking end of a grounding rod (8); an anvil member (4) affixed to the proximal wide end of the conical member (2); a handle (5) affixed to the conical shaped member (2) to hold and support the driver.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being anticipated by Schera, Jr. (USPN 3,786,847) in view of McCabe et al. (USPN 5,954,143).

Regarding claim 3, Schera, Jr. discloses a grounding rod driver made of steel, not of titanium. McCabe et al. teaches that it is known to make ground drivers out of titanium. It would have been obvious to one having ordinary skill in the art at the time of the invention to form the grounding rod driver of Schera, Jr. of titanium, as taught by McCabe et al., since McCabe et al. states at column 7 lines 4-10 that the use of titanium for ground drivers would be desirable to reduce weight of the driver.

6. Claims 4 is rejected under 35 U.S.C. 103(a) as being anticipated by Kozak (USPN 6,588,514) in view of Tucker (USPN 5,934,139).

In reference to claim 4, Kozak discloses a novel grounding rod driver comprising: a conically shaped member (10; figures 1 & 3) having a distal opening (21) at its narrow end and

Art Unit: 3721

axially extending channel through its center so as to facilitate attachment to the striking end of a grounding rod (42); a disk shaped anvil member (30) affixed to the proximal wide end of the conical member (10); a handle (figure 6) affixed to the conical shaped member (10) to hold and support the driver. The handle of Kozak is not pivotable. Tucker teaches that it is known to pivotably mount (42) a handle (40) to a ground rod driver (10). It would have been obvious to one having ordinary skill in the art at the time of the invention to include a pivotable handle on the grounding rod driver of Kozak, as taught by Tucker, since Tucker states at column 5 lines 45-51 that such a modification would allow the operator to optional utilize the handle.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gloria R Weeks  
Examiner  
Art Unit 3721

  
grw  
June 23, 2005

  
SCOTT A. SMITH  
PRIMARY EXAMINER



# Notice of References Cited

Application/Control No.

10/690,209

Applicant(s)/Patent Under

Reexamination

SAXON, DWAYNE

Examiner

Gloria R. Weeks

Art Unit

3721

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,588,514	07-2003	Kozak, David A.	173/1
*	B	US-6,296,064	10-2001	Janusz et al.	173/30
*	C	US-5,954,143	09-1999	McCabe et al.	173/184
*	D	US-5,934,139	08-1999	Tucker, Kevin N.	72/479
*	E	US-5,029,651	07-1991	Ubbink, Barney	175/19
*	F	US-4,310,057	01-1982	Brame, Durward B.	175/21
*	G	US-3,786,847	01-1974	Schera, Jr., Enos L.	81/27
*	H	US-3,735,822	05-1973	Deike, Robert F.	173/118
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.